

Sir:

In response to the January 28, 2003 Office Action in the above-referenced patent application, please amend the application as follows:

In the Claims¹

- 1) (Currently amended) A method for lowering chemotherapy-induced resistance in a patient being treated with a chemotherapeutic agent for a cancer; the method comprising:
 (1) infecting the patient with an effective amount of AAV-2 to lower the chemotherapy-induced resistance to the chemotherapeutic agent, in combination with administering a chemotherapeutic agent to the patient; and
 (2) determining if the chemotherapy-induced resistance to the chemotherapeutic agent is lowered.
- 2) (Previously amended) The method according to claim 1, wherein the AAV-2 is used in a dose of 10^9 - 10^{10} AAV particles/kg body weight.
- 3) (Previously amended) The method according to claim 1 wherein the chemotherapeutic agent is selected from the group consisting of: cisplatin, etoposide and cisplatin/etoposide.
- 4) (Previously amended) The method according to any of claims 1 to 3, wherein the cancer to be treated by chemotherapy is a colon cancer, pancreatic carcinoma or brain tumor or small cell lung carcinoma.

¹ Consistent with the holding of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, et al., 535 U.S. 722, 152 L.Ed.2d 944 (2002), decided May 28, 2002, any amendments herein that hereafter are deemed to be narrowing amendments a court of competent jurisdiction in a final unappealed or unappealable decision, are not intended to relinquish any scope of equivalents unforeseeable at the time of this amendment or that relate to aspects of the invention having only a peripheral relation to the basis for the amendment.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: Von Knebel-Doeberitz, et al.

Serial No.: 09/719,336

Date Filed: March 22, 2001

Title: **USE OF ADENO-ASSOCIATED
VIRUSES FOR DECREASING
THE RADIOTHERAPY-INDUCED
OR CHEMOTHERAPY-INDUCED
RESISTANCE IN CANCER
PATIENTS**

Customer No: 23448

Docket No.: 4121-121

Examiner: C. Qian

Art Group: 1633

Confirmation No.: 7154



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PATENT TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified below, in an Express Mail envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 and Express Mailed under the provisions of 37 CFR 1.10.

Candace White

Candace White

June 27, 2003

Date of Mailing

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**AMENDMENT RESPONDING TO JANUARY 28, 2003 OFFICE ACTION
IN U.S. PATENT APPLICATION NO. 09/719,336; PETITION UNDER 37 CFR 1.136 FOR A
TWO MONTH EXTENSION OF TIME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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